

§ 85B-4.3. Hearing; required showing.

Upon application by an aggrieved person, the Commission shall conduct a hearing and the aggrieved person shall be required to show that:

- (1) The person is not a spouse of the judgment debtor or a person representing such spouse;
- (2) The person gave notice of the lawsuit as required by G.S. 85B-4.2;
- (3) The person is making application not more than one year after termination of all judicial proceedings, including appeals, in connection with the judgment;
- (4) The person has complied with all requirements of this Article;
- (5) The person has obtained a judgment as described in G.S. 85B-4.2;
- (6) The person has made all reasonable searches and inquiries to ascertain whether the judgment debtor is possessed of real or personal property or other assets subject to be sold or applied in satisfaction of the judgment;
- (7) That by a search the person has discovered no real or personal property or other assets subject to be sold or applied, or has discovered certain of them, describing them, but that the amount realized was insufficient to satisfy the judgment, stating the amount realized and the balance remaining due on the judgment after application of the amount realized; and
- (8) The person has diligently pursued available remedies including attempted execution on the judgment against all the judgment debtors and the execution has been returned unsatisfied. In addition to that, the person knows of no assets of the judgment debtor and has attempted collection from all other persons who may be liable in the transaction for which payment is sought from the Fund if there are any other persons. (1991 (Reg. Sess., 1992), c. 819, s. 7.)